IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 263 OF 2005

M/s M.R.F. Ltd, and another. ... Petitioners

versus

State of Goa through the
Secretary and others. ... Respondents

Mr. J. E. Coelho Pereira, Senior Advocate with Mr. S. Karpe, Advocate for the Petitioner.

Mr. S. S. Kantak, Advocate General with Ms. R. Chodankar, Additional Government Advocate for Respondent Nos.1 to 3.

Mr. Sudin Usgaonkar, Advocate for Respondent Nos.4 and 5.

CORAM : R. M. LODHA &
N. A. BRITTO, JJ.

DATE : 29TH AUGUST, 2005.

P.C.:-

Heard Mr. J. E. Coelho Pereira, the learned Senior Counsel for the Petitioners, Mr. S. S. Kantak, the learned Advocate General for the Respondent Nos. 1 to 3 and Mr. Sudin Usgaonkar, the learned Counsel for the Respondent Nos.4 and 5.

In compliance of our Order dated 23-8-2005, the learned Advocate General has produced the record before us which shows that Public Notice under Section 9 of the Land Acquisition Act, 1894 was issued.

In the Reply Affidavit dated 11-8-2005, the Respondent Nos 1 to 3 had admitted the error in calculation of the amount due from the Petitioner in respect of the compensation of the acquired land.

Para 7 of the Reply Affidavit dated 11-8-2005 reads thus:-

> "7. At the outset, I submit that there is an error in calculation of the amount due from the Petitioner in respect of the compensation of land acquired. Petitioner has been awarded compensation at the rate of Rs.65/- per square meter when in fact as per Order dated 18/10/98, it should be at the rate of Rs.25/- per sq. meter. As regards compensation in respect of remaining land, Petitioner is liable to pay @ Rs.40/- per square meter and not Rs.65/- per square meter".

Obviously, in the light of the aforesaid error that is admitted by the Respondent No.3 necessary correction in the Award shall be made within two weeks from today.

By the correction of the error in the Award that has already been admitted by the Respondent Nos.1 to 3 and as noticed by us, we are satisfied that no interference is called for in the impugned Award dated 31-8-2004 in extra-ordinary jurisdiction under Article 226 of the Constitution of India.

Writ Petition is dismissed in limine with the aforesaid clarification.

R. M. LODHA, J.

N. A. BRITTO, J.

RD.